

Withrow & TerranovaProfessional Limited Liability CompanyAttorneys At Law
Registered Patent Attorneys*A High Technology Patent Practice***FAX RECEIVED****JUN 10 2002****PETITIONS OFFICE****FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
Office of Petitions	Benjamin S. Withrow
COMPANY:	DATE:
USPTO	June 10, 2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-308-6916	12
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	4989-009
RE:	YOUR REFERENCE NUMBER:
Request for Reconsideration	09/853,827

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY ORIGINAL TO FOLLOW

NOTES/COMMENTS:

Please find attached the following items:

- 1) Request for Reconsideration of Petition Under 37 CFR 1.47(a)
- 2) Exhibit A: Copies of letters sent to inventors, along with return receipt
- 3) Exhibit B: Declaration concerning refusal of inventors to sign paperwork

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: *Lang et al.*

Serial No. 09/853,827

Filed: 05/11/2001

For: AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES

Commissioner for Patents
Washington, D.C. 20231

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

In response to a decision refusing status mailed April 17, 2002, please find enclosed the below-described items correcting deficiencies in the original petition. As noted in the decision, the requisite petition fee has been paid. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

The decision refusing status states that requirement (1) was not satisfied by the original petition. Requirement (1) is proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings). Attached as Exhibit A are letters mailed to the non-signing inventors via registered mail on April 25, 2002, along with photocopies of the return receipt from the United States Postal Service. As mentioned in the letters, the inventors were given approximately a month and a half to sign and return the Declaration and Assignment papers. They were informed that if they did not return such papers by June 1, 2002 we would assume they are unwilling to sign. In various telephone conversations with the non-signing inventors, they have indicated and reiterated their reluctance to sign the necessary paperwork.

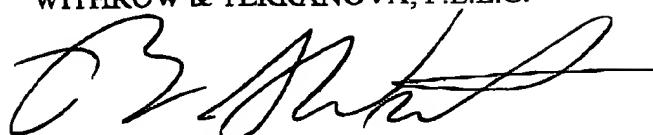
Attached as Exhibit B is a declaration attesting to the fact that the non-signing inventors have not returned the signed paperwork as of today, June 10, 2002. The Office of Petitions is invited to contact the undersigned to resolve any further issues. Reconsideration is respectfully requested.

Serial No. 09/853,827

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: June 10, 2002

Attorney Docket: 4989-009

CERTIFICATE OF TRANSMISSION
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING
TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED
BELOW TO:

Office of Petitions Fax: 703-308-6916

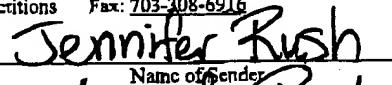
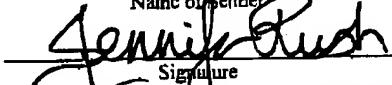

Name of Sender
Signature
Date of Transmission

EXHIBIT A

Withrow & Terranova

Professional Limited Liability Company

Attorneys At Law
Registered Patent Attorneys

A High Technology Patent Practice

Benjamin S. Withrow

Email: bwithrow@withrowterranova.com

201 Shannon Oaks Circle
Suite 200
Cary, North Carolina 27511

Tel (919) 654-4520
Fax (919) 654-4521
www.withrowterranova.com

April 25, 2002

Mr. Alex Lang
3032 Stone Gap Court
Raleigh, NC 27612

FAX RECEIVED

RETURN RECEIPT REQUESTED

JUN 10 2002

PETITIONS OFFICE

Re: KeyNetica Application and Paperwork
AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES
Our File: 4989-009

Dear Alex:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by June 1, 2002, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,

Benjamin S. Withrow

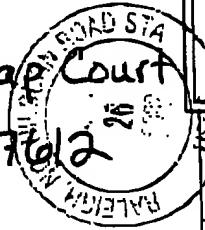
BSW/jjr
Enclosures

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Alex Lang
3032 Stone Gap Court
Raleigh, NC 27612



COMPLETE THIS SECTION ON DELIVERY

A. Signature

Mr. Alex Lang Agent
 Addressee

B. Received by (Printed Name)

Mr. Alex Lang

C. Date of Delivery

6/10/02

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number
(Transfer from service label)

7099 3408 0012 0793 9186

PS Form 3811, August 2001

Domestic Return Receipt

102598-01-M-2500

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'JUN 10 2002

PETITIONS OFFICE

Withrow & Terranova

Professional Limited Liability Company

Attorneys At Law
Registered Patent Attorneys

A High Technology Patent Practice

Benjamin S. Withrow

Email: bwithrow@withrowterranova.com

201 Shannon Oaks Circle
Suite 200
Cary, North Carolina 27511

Tel (919) 654-4520
Fax (919) 654-4521
www.withrowterranova.com

April 25, 2002

Mr. Brian J. Adkins
2025 Arbor View Drive
Morrisville, NC 27560

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

RETRN RECEIPT REQUESTED

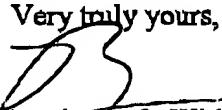
Re: KeyNetica Application and Paperwork
AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES
Our File: 4989-009

Dear Brian:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by June 1, 2002, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,

Benjamin S. Withrow

BSW/jjr
Enclosures

SENDER: COMPLETE THIS SECTION

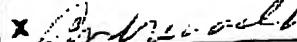
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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Brian S. Atkins
2025 Arbor View Drive
Morrisville, NC 27560

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes2. Article Number
(Transfer from service label)

7099 3400 0012 0793 9162

PS Form 3811, August 2001

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102595-01-M-2509

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

Withrow & Terranova

Professional Limited Liability Company

Attorneys At Law
Registered Patent Attorneys

A High Technology Patent Practice

Benjamin S. Withrow

Email: bwithrow@withrowterranova.com

201 Shannon Oaks Circle
Suite 200
Cary, North Carolina 27511

Tel (919) 654-4520
Fax (919) 654-4521
www.withrowterranova.com

April 25, 2002

Mr. David Sharp
12 Cobb Terrace
Chapel Hill, NC 27514

RETURN RECEIPT REQUESTED

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

Re: KeyNetica Application and Paperwork
AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES
Our File: 4989-009

Dear David:

Please find enclosed:

- 1) A copy of the application (specification, claims, and abstract) and drawings for the above-mentioned application
- 2) Declaration prepared for your signature
- 3) Assignment prepared for your signature

Please review the enclosed application, sign and date the enclosed paperwork, and return it to us using the contact information listed above. If we do not receive the paperwork by June 1, 2002, we will assume that you are unwilling to sign. Thank you for your assistance in this matter.

Very truly yours,



Benjamin S. Withrow

BSW/jr
Enclosures

FAX RECEIVED

JUN 10 2002

PETITIONS OFFICE

SENDER: COMPLETE THIS SECTION

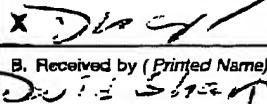
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. David Sharp
12 Cobb Terrace
Chapel Hill, NC 27514

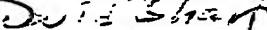
COMPLETE THIS SECTION ON DELIVERY

A. Signature



Agent
 Addressee

B. Received by (Printed Name)



C. Date of Delivery

4-27-02

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7099 3400 0012 0793 9179

PS Form 3811, August 2001

Domestic Return Receipt

102695-01-M-2508

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: *Lang et al.*

Serial No. 09/853,827

Filed: 05/11/2001

For: **AUTOMATIC CONFIGURATION FOR PORTABLE DEVICES**

Examiner: TBA

Art Unit: TBA

Commissioner for Patents
Washington, D.C. 20231**FAX RECEIVED****JUN 10 2002****PETITIONS OFFICE**

Sir:

**DECLARATION UNDER MPEP § 409.03(d) CONCERNING
REFUSAL OF INVENTORS TO SIGN PAPERWORK**

I, Jennifer Rush, being first duly sworn, do hereby depose and say:

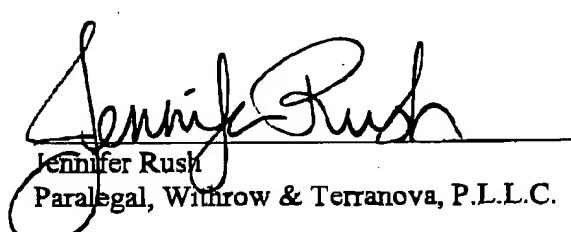
On April 25, 2002, I mailed copies of the above-referenced application (specification, claims, abstract, and drawings) and paperwork (Declaration and Assignment) to Alex Lang, David Sharp, and Brian Adkins, the non-signing inventors for the application. In the letter, the inventors were given a deadline of June 1, 2002 to return the requisite signed paperwork.

Further, as of June 10, 2002, I have received no signed paperwork from any of the above-named inventors.

Further, Declarant saith not.

Date: June 10, 2002

Attorney Docket: 4989-009


Jennifer Rush
Paralegal, Withrow & Terranova, P.L.L.C.